

**ORDER OF BUSINESS  
BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA**

**MAY 19, 2009**

**TUESDAY  
9:30 A.M.**

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
  
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  
- 3. CONSENT AGENDA** (Pages 7 - 29)
  
- 4. PUBLIC HEARINGS - 9:30 A.M.** (Page 30)
  
- 5. REGULAR AGENDA** (Pages 31 - 37)  
**TIME CERTAIN 10:00 A.M.** (County Comprehensive Annual Financial Report) (Page 33)
  
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. Staff recommends motion to receive and file:

A) Resolution No. 11-09 of the Village Council of the Village of Tequesta, Florida, to support a dedicated funding source for commuter rail services; and

B) Resolution R2009-27 of the Village Council of the Village of Wellington, Florida, endorsing Senate Bill 1000/House Bill 365 entitled an act relating to discretionary sales surtaxes and offsetting the ad valorem property taxes.

2. Staff recommends motion to approve: the appointment of the following five (5) representatives to the Comprehensive Economic Development Strategy (CEDS) Committee for a one (1) year term:

Laurence Davenport, Exec. Director/CEO, Business Loan Fund of the Palm Beaches  
Paul Skyers, Executive Director, Palm Beach County Resource Center, Inc.  
Kelly Smallridge, President, Business Development Board of Palm Beach County, Inc.  
Seabron A. Smith, Executive Director, Business Incubators  
W. Richard Staudinger, P.E., Florida Engineering Society

**SUMMARY:** The Treasure Coast Regional Planning Council (TCRPC) manages and maintains the on-going Comprehensive Economic Development Strategy (CEDS) which describes the economic conditions of the region and identifies programs and projects that will be undertaken to improve the area's economy. The CEDS Plan is a requirement of the U.S. Department of Commerce Economic Development Administration. The CEDS Committee consists of five (5) appointees from each of the participating counties: Palm Beach, Martin, St. Lucie and Indian River. Every year the TCRPC will require the appointing authority to review its existing members and either appoint or reappoint members to the CEDS Committee. Countywide (DW)

3. Staff recommends motion to adopt: Resolution amending Resolution R2008-1007 reauthorizing the Palm Beach County Green Task Force on Environmental Sustainability and Conservation for a 60-day period to allow additional time to complete and present the Task Force Final Report. **SUMMARY:** This action extends the term of the Task Force to ensure that the Task Force has adequate time to finalize their recommendations and present a final report to the Board of County Commissioners at an upcoming meeting. Without this action, the Task Force will sunset on June 2, 2009. Countywide (GB)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.

2. Staff recommends motion to approve: the following final minutes of the Board of County Commissioners' meetings:

<u>Meeting Type</u>	<u>Meeting Date</u>
Budget	July 14, 2008
Joint School Board/League of Cities	January 28, 2009
Regular	March 17, 2009
Workshop	March 24, 2009

3. Staff recommends motion to approve: Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. Staff recommends motion to approve:

**A)** a Contract with Hardrives, Inc., (Hardrives), the lowest responsive, responsible bidder in the amount of \$1,864,859.45 for the construction of Seminole Pratt Whitney Road Phase 1, from S.R. 80 to South of Okeechobee Boulevard, to perform clearing and grubbing and drainage improvements (Project); and

**B)** a Budget Amendment of \$1,480 in the Road Impact Fee Fund-Zone 3 to recognize reimbursement funding from AT&T for reimbursable utility work and appropriate it to Seminole Pratt Whitney Road Phase 1, from S.R. 80 to South of Okeechobee Boulevard.

**SUMMARY:** Approval of this Contract will allow Palm Beach County to issue a Notice to Proceed to begin construction of the Project. The Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by Hardrives is 15.31%. The time limit for the completion of all work under this contract shall be no more than 240 calendar days. Approval of this Budget Amendment will recognize reimbursement funding from AT&T for reimbursable utility work and appropriate it to the Project account. Following this Project, the utilities will be relocated from the east side to the west side. When that is completed, Palm Beach County will bid out the actual road construction, widening from two (2) to four (4) lanes. District 6 (MRE)

2. Staff recommends motion to approve: Supplemental Agreement No. 6 to Project Number 2003513 under Agreement R2004-0428 in the amount of \$63,849.25 with Wantman Group, Inc., for professional services. **SUMMARY:** Approval of this Supplemental Agreement will provide the services necessary for the preparation of revised design plans and construction bid documents for Jog Road/Donald Ross Road from Hood Road to 64<sup>th</sup> Drive North. District 1 (PK)

3. Staff recommends motion to approve:

**A)** Modification Number Two to the original Project Agreement, R2006-1058 with the Federal Emergency Management Agency (FEMA) through the Department of Community Affairs (DCA) which provides funding of up to 75% of the total cost of replacement of single strength, single hung windows with storm impact resistant single hung windows on six (6) County-owned bascule bridges; and

**B)** a Budget Amendment of \$36,782 in the County Transportation Fund to recognize up to 75% reimbursement of the estimated cost of storm impact windows to six (6) bridge houses from FEMA and appropriate it to Bridge Improvement/Major Repairs.

**SUMMARY:** Approval of this Modification with the DCA will reinstate and extend the Agreement from December 30, 2008 to June 30, 2009 so that the scope of work as set forth in Modification No.1 of the original Agreement can be completed by Palm Beach County. This Modification would also increase the 75% reimbursable amount from \$93,296 to \$125,725 plus \$4,353 administrative costs for a total of \$130,078 for the cost to complete the much needed window replacement project and delete the Linton Boulevard Bascule Bridge from consideration. Districts 1 & 4 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

4. **Staff recommends motion to approve:** the renewal of the Traffic Signal Design Services Annual Agreements with Arcadis U.S. Inc., whose original Agreement was dated September 9, 2008 (R2008-1414), and Progressive Design & Engineering, Inc., whose original Agreement was dated July 22, 2008 (R2008-1280). **SUMMARY:** Approval of these Renewal Agreements will extend for one (1) year required professional services on a task order basis. Countywide (PK)
  
5. **DELETED**
  
6. **Staff recommends motion to approve:** a Joint Participation and Project Funding Agreement with the Loxahatchee River District (District) in the amount of \$ 24,720 for utility construction on Alternate A1A (SR 811) from Frederick Small Road to Center Street. **SUMMARY:** Approval of this Agreement will allow Palm Beach County (County) and the District to jointly participate in the utility adjustments to the sewage transmission system and other improvements along the right-of-way. The District agrees to reimburse the County for the cost of these utility adjustments and other improvements. District 1 (MRE)
  
7. **Staff recommends motion to approve:** an Interlocal Agreement with the Village of Palm Springs (Village) regarding open cuts in County maintained roadways. **SUMMARY:** The Village has agreed to follow the policies and procedures set forth by the County regarding open cuts in County roads; however, the Village is requesting that it not be required to provide surety bonds for the open cuts, as required by County Policy, but instead will be bound by the terms and conditions of this Interlocal Agreement. District 3 (RPB)
  
8. **Staff recommends motion to adopt:** a Resolution re-designating a parcel of Palm Beach County-owned land at the northeast corner of Gun Club Road and Military Trail as road right-of-way. **SUMMARY:** This action will allow the Property and Real Estate Management Division (PREM) to satisfy the Engineering Department's requirements for expanded intersections, requiring PREM to dedicate land to be used as right-of-way for Gun Club Road. District 2 (PK)
  
9. **Staff recommends motion to adopt:** a Resolution approving a Local Agency Program Agreement with the State of Florida Department of Transportation in the amount of \$8,147,680 for widening Congress Avenue from Lantana Road to South of Melaleuca Lane (Project). **SUMMARY:** Approval of this Agreement will grant Palm Beach County \$8,147,680 in construction funding for the Project. District 3 (MRE)
  
10. **Staff recommends motion to adopt:** a Resolution approving Amendment Number One to the County Incentive Grant Program (CIGP) Agreement (R2007-0255) with the State of Florida Department of Transportation, in the amount of \$2,850,000 for Lyons Road from north of Atlantic Avenue to south of Boynton Beach Boulevard project. **SUMMARY:** Approval of Amendment Number One to the CIGP Agreement will grant Palm Beach County an extension to the contract. The original agreement expires on June 30, 2009. Approval of Amendment Number One will extend the expiration date to December 31, 2009. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (Cont'd)

11. Staff recommends motion to adopt: a Resolution vacating a portion of a ten foot wide utility easement within Tract SS, Mini Assemblage Planned Unit Development, Plat Eight, as recorded in Plat Book 110, Pages 9-13, Public Records of Palm Beach County, Florida. **SUMMARY:** This petition site is located on the west side of Hagen Ranch Road and south of Boynton Beach Boulevard. The petitioner is requesting the vacation to clear the title in order that right-of-way for a right turn lane for the Hagen Road Elementary School can be conveyed to Palm Beach County clear of any encumbrances. District 5 (PK)

12. Staff recommends motion to:

**A) adopt** a Resolution approving a Joint Participation Agreement with the Florida Department of Transportation (FDOT) for the operation and maintenance of the Traffic Management Center (TMC) at the Vista Center. The Agreement will enable joint use of the TMC and also facilitate sharing the costs of operating and maintaining audio and video systems in the TMC for a period of five (5) years; and

**B) approve** a Budget Amendment of \$70,000 in the County Transportation Trust Fund to recognize a Joint Participation Agreement from the FDOT and appropriate it to FDOT Traffic Signal Maintenance.

**SUMMARY:** FDOT desires to occupy a certain portion of the TMC and agrees to reimburse the County 70% of the costs of operating and maintaining audio and video systems in the TMC. The remaining 30% of the costs will be the responsibility of the County. Countywide (MRE)

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: Contract for Consulting/Professional Services with Audrey Greenwald, for the period of May 19, 2009, through September 30, 2009, in an amount of \$12,000, for speech and language services to Head Start children. **SUMMARY:** Audrey Greenwald will provide speech/language therapy by appropriate licensed therapists to Head Start children. The provider is required to bill Medicaid for evaluations and services for children who are Medicaid eligible. Funding consist of \$9,600 (80%) in Federal funds and \$2,400 (20%) in County funds. The County's portion is included in the FY 2009 budget. (Head Start) Countywide (TKF)

2. Staff recommends motion to approve: an upward Budget Amendment of \$15,000 in the General Fund, to reconcile the Human Services Emergency Food and Shelter budget to actual grant award. **SUMMARY:** For FY 2009, the Division received an Emergency Food and Shelter Grant award of \$109,823. On April 1, 2009, Palm Beach County's Emergency Food and Shelter Program Local Board reallocated \$15,000 to the Division. A Budget Amendment of \$15,000 is needed to align the County budget with the additional grant allocation. No match is required for these funds. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. **Staff recommends motion to approve:** Contract with Oakwood Center of the Palm Beaches, Inc. for the period of May 23, 2009, through May 22, 2010, in an amount of \$197,280, for 15 permanent housing beds for disabled, homeless individuals. **SUMMARY:** This Contract with Oakwood Center of the Palm Beaches, Inc. is a collaborative with the Division of Human Services funded under a Housing and Urban Development (2008 HUD) Shelter Plus Care program Grant. The grant provides rental assistance for permanent housing beds for 15 homeless, disabled individuals. No local match is required by the County for this grant. (Human Services) Countywide (TKF)

4. **Staff recommends motion to approve:**

**A)** Amendment No. 3 to the Contract with the Center for Family Services of Palm Beach County (R2008-2115) increasing funding for the Traveler's Aid Program by \$40,000 for a new not-to-exceed total amount of \$54,475; and revising the definition of unit cost; and

**B)** Budget Transfer of \$40,000 in the General Fund from Community Services - Human Services Division to Financially Assisted Agencies - Center for Family Services Contract for the period October 1, 2008, through September 30, 2009.

**SUMMARY:** The Department of Community Services through the Financially Assisted Agencies Program has been requested to provide \$40,000 in additional funds to the Center for Family Services, specifically in the Traveler's Aid program. This program is currently funded at \$14,475 and will be raised to \$54,475. The Budget Transfer will allocate the additional resources to facilitate services within this program. Additionally, the unit cost definition of the current contract needs to be revised to correctly reflect the entire cost of the program. Funding under this Amendment will be used for non-refundable bus tickets to transport homeless individuals to locations where permanent housing has been arranged, case management services, and administrative expenses. This agency is working closely with the County's Homeless Outreach Teams (HOT) under the direction of Human Services to make sure all individuals who qualify will receive this emergency assistance. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to approve: contracts with listed provider agencies for the period March 1, 2009, through February 28, 2010, totaling \$2,793,162 for Ryan White Part A HIV Emergency Relief Formula funds:

	<u>Formula</u>
A) Compass, Inc.	217,257
B) Comprehensive AIDS Program	597,563
C) Comprehensive Community Care Network, Inc.	366,874
D) Glades Health Initiative, Inc.	49,000
E) Gratitude House	17,196
F) Legal Aid Society of Palm Beach County	195,258
G) Minority Development & Empowerment, Inc.	51,398
H) Oakwood Center of the Palm Beaches, Inc.	60,000
I) Treasure Coast Health Council- Medical	215,231
J) Treasure Coast Health Council-CC Support	145,000
K) Health Care District	317,157
L) Palm Beach County Health Department	<u>561,228</u>
<b>Total</b>	<b>\$2,793,162</b>

**SUMMARY:** A Notice of Grant Award from the Department of Health and Human Services Health Resources and Services Administration (HRSA) was received on March 8, 2009, that conveys an award for partial formula funds (40%) for the contract period March 1, 2009, through February 28, 2010. The funding of \$3,115,485, consists of \$311,549 for Grantee Administration (which includes \$145,000 for Care Council Support subcontracted to Treasure Coast Health Council listed above); and \$155,774 for Quality Management. The grantee, Palm Beach County, is responsible for selecting and contracting with service providers. The HIV Council is charged with the sole responsibility of determining service priorities and the allocation of funding the service priorities. The grant award is for the provision of services related to HIV affected clients, such as medical case management, medical care, oral health care and substance abuse treatment. The agencies listed were selected through the Request for Proposal (RFP) process and have been recommended to receive funding. (Ryan White) Countywide (TKF)

6. Staff recommends motion to approve: Amendment No.1 to Contract R2008-1438 with Comprehensive AIDS Program, Inc., for the period August 1, 2008, through July 31, 2009, adjusting the unit cost rate and unit quantity for Medical Case Management services. **SUMMARY:** The amendment to this contract will increase the unit cost rate from \$13.50 to \$14.50 and reduce the quantity of units being provided from 41,858 to 38,971. The adjustment in unit cost rate will be applicable to the full contract period. These changes are necessary to more accurately reflect the cost of providing the service. The total reimbursable not-to-exceed amount of \$565,076 is unchanged. No County funds are required. (Ryan White) Countywide (TKF)

7. Staff recommends motion to approve: Amendment No. 1 to Contract R2008-1003 with the Health Care District of Palm Beach County, for the period March 1, 2008, through February 28, 2009, increasing the units of service and total funding by \$34,666, for a new not to exceed contract amount of \$106,778, for Local Supplemental Drug Program services. **SUMMARY:** Ryan White HIV Health Support service dollars are reviewed throughout the contract year and reallocated to best meet the needs of affected clients. Additional funding of \$34,666 is being moved from the Grantee's administrative budget to compensate the provider agency for services provided during the grant period. No County funds are required. (Ryan White) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve: Amendment No. 6 to the General Consulting Agreement with The LPA Group, Incorporated for consulting/professional services in the amount of \$734,363 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program. **SUMMARY:** The Consulting Agreement (R2006-2418) with The LPA Group, Incorporated for general airport planning and design was approved on November 21, 2006 in the amount of \$1,420,544 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for 2 years with 2 one (1) year renewal options. Amendments 1-5 were approved for a net increase in the amount of \$5,167,709.50. Amendment No. 4 approved by the BCC on October 21, 2008 (R-2008-1847) exercised the first one (1) year renewal option. Approval of Amendment No. 6 in the amount of \$734,363 will provide funds to complete the following tasks and services: Task I Services – Palm Beach International Airport (PBI A)–Runway 13-31 Rehabilitation, PBI A–South Taxiway Rehabilitation, PBI A–Terminal Lighting, and PBI A–Runway Designation Remarketing & Airfield Signage; Task III Services – Staff Extension and Miscellaneous Planning, Engineering and Construction Services. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) participation for this Amendment is 23.55%. The total DBE contract goal including all amendments is 20.14%. Countywide (JCM)

2. Staff recommends motion to receive and file: four (4) original Agreements for the Department of Airports:

**A)** Hangar Lease Agreement with Jeffry W. Coursey, Unit 7, Building 11720, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on April 1, 2009; terminating Hangar Lease Agreement with Jeffry W. Coursey (R2006-1409) for Unit 8, Building 11210 at North County General Aviation Airport, same date;

**B)** Hangar Lease Agreement with Joseph Masessa, Unit 8, Building 11210, at North County General Aviation Airport for one (1) year, automatically renewed at one (1) year intervals, commencing on April 1, 2009; terminating Hangar Lease Agreement with Joseph Masessa (R2006-2411) for Unit 7, Building 11720 at North County General Aviation Airport, same date;

**C)** North County General Aviation Airport Hangar Lease Agreement with Edward G. Patenaude, Unit 11, Building 11200 for one (1) year, automatically renewed at one (1) year intervals, commencing on April 1, 2009; and

**D)** License Agreement with Airport Terminal Services, Inc. for sole and exclusive use of administrative offices in connection with operations as a general aeronautical service provider pursuant to General Aviation Services Agreement (R2005-2328) at PBI A.

**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the BCC in R20072070 and R2008-1845. Countywide (JB)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to approve: an Agreement for Purchase and Sale and Donation for the following properties in the amount of \$299,900. Said properties are located west of Runway 9L at Palm Beach International Airport (PBIA):

William Arthur Brewton  
Maria C. Sodupe-Brewton  
125 N. Sandra Lane  
West Palm Beach, FL 33415  
Parcel W-215 (Residential Property)  
Sales Price \$299,900.00  
Replacement Housing N/A

Parcel W-214 (Donated Property)

**SUMMARY:** The above properties are being acquired in accordance with Palm Beach International Airport's approved Part 150 Noise Compatibility Study, which recommended the acquisition of property. Countywide (JMB)

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: JOC Work Order No. 09-078 with Holt Contractors, Inc., (R2007-0947) in the amount of \$360,590.19 for site improvements to the Four Squares (Mecca Farms) property. **SUMMARY:** When the site development activities for the Scripps project ceased, the property was left as is, without restoring the property to its pre-development condition. In September 2008, the BCC approved various drainage improvements and cleaning of vegetation from canals to carry water to retention area and reduce risk from flooding. This work continues with the ongoing property management and will reduce future maintenance costs. Specifically, the work consists of clearing all orange groves on the 1900+ acre property, a follow-up burn of the spoil, and final grading of the property, including minor drainage improvements. The Small Business Enterprise (SBE) participation in this Work Order is 100%. When the participation for this Work Order is added to Holt's total participation-to-date, the resulting values are 100%. The SBE goals are 15%. The total construction duration is 180 days. Funding for this work is from the existing general fund budget for property management of this particular site. (FD&O Admin) District 1 (JM)
2. Staff recommends motion to approve: Amendment No. 2 to the Contract with Hedrick Brothers Construction (R2007-1506) in the amount of \$3,962,852 for construction management services and site improvements for the Palm Beach County Sheriff's Office (PBSO) Training Center located at Cherry Road, subject to the closing on the loan which will finance this project. **SUMMARY:** Amendment No. 2 will provide for a Guaranteed Maximum Price (GMP) for the construction of the PBSO Training Center, comprised of interior renovations to the existing gymnasium and classroom building (32,600 sf), 153 new parking spaces, and drainage provisions for this development phase, as well as projected future phases. As part of the FY '08 Capital Improvements Program (CIP) budget cuts, proceeding with this project allowed for the deferral of \$7.7M FY '06 funding, the elimination of \$20M in FY '09 funding, and the release of \$8M in FY '07 funding. The Small Business Enterprise (SBE) goal for this project is 15%. Hedrick Brothers Construction will be providing 33.3% SBE participation in this Amendment. The duration of this work is 203 calendar days. Financing for this project is from a \$16.2M loan authorized at the April 21, 2009 BCC meeting (R2009-0698). (Capital Improvements Division) Countywide (JM)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: an Interlocal Agreement with the Town of South Palm Beach (Town) for the provision of radio maintenance services. **SUMMARY:** This Agreement provides for the provision of radio equipment (subscriber units and consoles) maintenance services to the Town, by FDO/Electronic Services and Security. The services are to be charged on an hourly basis at a cost of \$65/hr/person and \$97.50/hr/person for overtime work. In the event that the County must out-source the labor, a separate labor rate is provided. The rates may be adjusted annually with notification by June 1 (effective that following October 1) at the County's sole discretion, but in no event shall the Town's fee schedule exceed the fee schedule applied to County departments. The term of the Agreement is for three (3) years with one (1) – three (3) year renewal. The Agreement may be terminated by either party, with or without cause of a minimum of three (3) months notice. (ESS) District 4 (JM)

4. Staff recommends motion to approve:

**A)** Amendment No. 3 to the Contract with Hedrick Brothers Construction (R2007-1506) in the amount of \$10,696,433 for construction management services for Four Points Renovations, subject to the closing on the loan which will finance this project; and

**B)** Insurance premium provided under Palm Beach County's Master Builder's Risk Program in an estimated amount not to exceed \$170,700.

**SUMMARY:** Amendment No. 3 will provide for a Guaranteed Maximum Price (GMP) for: 1) replacement of the above ceiling package air conditioning units with a chilled water system, 2) upgrade the building systems to meet current code for a single tenant public owner, 3) harden the entire facility to act as an Emergency Operations Center annex, and 4) make tenant specific renovations to meet operational requirement of users. The Small Business Enterprise (SBE) goal for this project is 15%. Hedrick Brothers Construction will be providing 27.4% SBE participation in this Amendment. The duration of this work is 629 calendar days. Financing for this project is from a \$16.2M loan authorized at the April 21, 2009 BCC meeting (R2009-0698). (Capital Improvements Division) Countywide (JM)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: an Agreement with the Town of Jupiter in the amount of \$93,963, for the installation of decorative street lighting in the Pine Gardens North neighborhood. **SUMMARY:** The Town of Jupiter intends to install approximately 63 decorative street lights in the Pine Gardens North neighborhood. The work to be funded under this Agreement consists of the preparatory installation of approximately 11,000 lineal feet of underground electrical conduit, approximately 95 junction boxes, and attendant work area restoration. After the preparatory work is complete the Town will install the street lights on its own. **These are Federal Community Development Block Grant funds that require no local match.** District 1 (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to approve:** Interlocal Agreement with the Town of Mangonia Park for construction of the Master Pump Station No. 1 Emergency Generator. **SUMMARY:** The Town of Mangonia Park Master Pump Station No. 1 Emergency Generator is funded by the 2005 Disaster Recovery Initiative Program. Palm Beach County Water Utilities Department will implement this project on behalf of Mangonia Park. The Interlocal Agreement specifies the responsibilities of each party during the construction. **These are Federal Disaster Recovery funds which require no local match.** (WUD Project No. 08-067) District 7 (JM)
  
2. **Staff recommends motion to receive and file:** a Contract in the amount of \$74,852 with EAU Gallie Electric, Inc. for the Town of Mangonia Park Master Pump Station No. 1 Standby Diesel Engine Generator System Installation. **SUMMARY:** On March 16, 2009, the Director of the Water Utilities Department approved a Contract with EAU Gallie Electric, Inc. for the Town of Mangonia Park Master Pump Station No. 1 Emergency Generator in the amount of \$74,852. This agenda item recommends the Board receive and file the Contract with EAU Gallie Electric, Inc. approved by Water Utilities Department so it may be properly recorded. (WUD 08-067) District 7 (JM)
  
3. **Staff recommends motion to approve:** a partial release of utility easement on land owned by Florida Auto Auction of Orlando, Inc. **SUMMARY:** This document will release the County's interest in a portion of a utility easement recorded in the official records of Palm Beach County in Official Records Book 5967, Page 1. During redevelopment of the West Palm Beach Auto Auction site on the east side of Sansbury's Way, it was determined that a portion of the water main in the utility easement was no longer needed. The property owner now requests release of that portion of the easement. The Water Utilities Department concurs with this request and, therefore, recommends the partial release. There is no cost to the property owner for this partial release of easement. District 6 (MJ)
  
4. **Staff recommends motion to accept:** an Access Easement from Jimbo Corporation providing for authority to access certain utility facilities. **SUMMARY:** During the processing of Jimbo Corporation's application to connect the existing building to the County's wastewater system, County staff identified a need for an easement to provide County with adequate access to an existing wastewater force main located outside of Jimbo Corporation property. The force main was installed in Congress Avenue right of way as part of an assessment project to serve adjacent commercial properties. Currently, access to that portion of the force main adjacent to Jimbo Corporation property is limited, due to substandard width of the right of way adjacent to the force main. This Access Easement from Jimbo Corporation will provide greater access and help minimize the impact on traffic during repair/maintenance of the force main adjacent to the property. Jimbo Corporation has agreed to grant the County an Access Easement at no cost. (WUD Project No. 08-535) District 3 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to approve:

**A)** Agreement for Purchase and Sale (Agreement) for approximately 2.73 acres of land adjacent to the County's Cypress Creek Natural Area from Southpointe Palm, LLC, a Florida limited liability company, for \$330,000, an amount which is equal to a recent appraisal obtained by the County;

**B)** Budget Transfer of \$337,000 in the Natural Areas Fund from Reserves to the Environmental Resources Capital Fund to cover the cost of the land, as well as costs related to title work/closing, surveys, and recording fees as identified in the Agreement; and

**C)** Budget Amendment of \$337,000 in the Environmental Resources Capital Fund to recognize the transfer for purchase of a tract of land adjacent to the Cypress Creek Natural Area.

**SUMMARY:** The Southpointe Palm LLC property is immediately adjacent to the County's Cypress Creek Natural Area. The property contains an estimated 2.73 acres and is bordered by the Cypress Creek Natural Area to the north, east and west, and by Indiantown Road to the south. Acquisition of the parcel would simplify management of the surrounding natural area and would facilitate the restoration of areas impacted by historic drainage, vegetation clearing and shell rock mining. These proposed management and restoration activities will help restore historic surface water flows, and native wetland and upland habitat within the natural area. They will also help improve water quality and quantity within the Wild & Scenic portion of the Loxahatchee River. This Agreement is expressly contingent upon the approval of the Board of County Commissioners on or before June 2, 2009, and is subject to normal pre-acquisition due diligence. Pursuant to the Agreement, the County shall be responsible for the cost to issue the title insurance commitment and final title insurance policy which will be based on the minimum promulgated rate, together with the associated costs for the title exam, abstract, and closing fees. Said associated costs shall not exceed \$285. The County must also pay all recording fees and for any survey it deems necessary. The total cost of the title work, recording fees and survey work should not exceed \$7,000. Funding is provided by non ad-valorem revenue sources within the Natural Areas Fund. District 1 (JMB)

2. Staff recommends motion to:

**A) adopt** Resolution for Assistance through Florida Inland Navigation District (FIND) Waterways Assistance Program authorizing submission of a grant application requesting \$824,600 to cover a portion of the costs associated with construction of the South Cove Restoration Project located in the Lake Worth Lagoon and the City of West Palm Beach;

**B) authorize** the County Administrator or his designee to sign the project agreements, all future time extensions, task assignments, certifications and other forms associated with the project agreement, and necessary minor agreements that do not change the scope of work or terms and conditions of the agreements if any or all the grants are approved; and

**C) authorize** the Director of the Department of Environmental Resources Management to serve as Liaison Agent with FIND for this project.

**SUMMARY:** The County will be submitting a grant proposal which will reimburse the County \$824,600, (31.5%) of the South Cove Restoration project which is currently approved to go forward. If successful in receiving funding, the grant will potentially reduce the County's match requirements from other funding sources depending on the results of the construction bid. The deadline for spending the grant is September, 2012. District 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

3. Staff recommends motion to approve: Second Amendment to the Interlocal Agreement with the City of West Palm Beach (City) and the South Florida Water Management District (SFWMD) (R2006-0140) for the C-51 Canal Sediment Management Project. **SUMMARY:** The Second Amendment supersedes and replaces the Amendment approved by the Board of County Commissioners on April 7, 2009 (R2009-0574), due to minor additional changes which were not included therein. County budget adjustments which recognize the revenue and provide the required match were approved on April 7, 2009. The Amendment was approved by Resolution No. 2009-413 of the Governing Board of the SFWMD on April 8, 2009. Districts 2 & 3 (SF)
  
4. Staff recommends motion to:
  - A) approve** Grant Agreement No. 09-037E in the amount of \$6,060 with the Caribbean Conservation Corporation (CCC) to fund the production of sea turtle educational materials, expiring April 30, 2010;
  
  - B) approve** Budget Amendment of \$6,060 in the Beach Improvement Fund; and
  
  - C) authorize** the County Administrator or his designee to sign all future time extensions, task assignments, certifications, and other forms associated with the Grant Agreement, and necessary minor amendments that do not change the scope of work or terms and conditions of the Grant Agreement.

**SUMMARY:** Artificial lighting visible from the beach may deter female sea turtles from nesting and can disorient sea turtle hatchlings during their travel to the ocean. Environmental Resources Management (ERM) will produce educational materials describing the effects of artificial lighting on sea turtles for distribution throughout the County. The CCC Grant will reimburse \$6,060 for project costs using funds from the sale of the Florida sea turtle license plate; no County match is required. The Grant Agreement is effective upon execution by both parties and expires April 30, 2010. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

5. Staff recommends motion to:

**A) approve** Contract No. 4600001764 with the South Florida Water Management District (District) for the Palm Beach County Delaware Scrub Restoration Phase II Project (Project), commencing upon execution of the contract, for a period of one (1) year, in an amount not to exceed \$225,000;

**B) approve** Budget Transfer of \$15,000 in the Natural Areas Fund from Reserves to the Environmental Resources Capital Fund Delaware Scrub Natural Area Project;

**C) approve** Budget Amendment of \$240,000 in the Environmental Resources Capital Fund recognizing the contract revenue of \$225,000 and a transfer from the Natural Areas Fund of \$15,000 for the Delaware Scrub Natural Area Project; and

**D) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications, and other forms associated with this contract, and necessary minor amendments that do not change the scope of work or terms and conditions of this contract.

**SUMMARY:** The Contract will provide \$225,000 of state funding, administered by the District on a reimbursement basis through the Loxahatchee River Preservation Initiative (LRPI), for the Delaware Scrub Restoration Phase II Project. The total project cost is estimated to be \$450,000. The County's cost share is \$225,000 and is provided from the Natural Areas Fund, a non-ad valorem source. The \$15,000 transfer for this item will increase existing budget to provide the remainder of the necessary 50% match. Phase II proposes to construct public use facilities on the natural area. These facilities include a parking lot, ADA compatible nature trail and boardwalk, hiking trail, informational kiosks and observation deck. District 1 (SF)

6. Staff recommends motion to:

**A) approve** Contract with Florida Atlantic University (FAU) in the not-to-exceed amount of \$58,200 for digitizing and analyzing nearshore coastal aerials county-wide in association with shoreline protection projects; and

**B) authorize** the County Administrator or his designee to sign all future time extensions, task assignments, certifications, and other forms associated with the Contract, and necessary minor amendments that do not change the scope of work or terms and conditions of the Contract.

**SUMMARY:** This Contract will provide an automated means of digitizing aerial photographs for managing nearshore reef resources meeting permit and project design requirements. Staff and students from FAU will perform this effort. The Contract is funded from a combination of Tourist Development taxes, interest, and ad valorem funds. The Contract is effective upon execution by both parties and expires January 31, 2010. Countywide (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

7. Staff recommends motion to:

**A) receive and file** Task Assignments No. SE-140 (\$900,000), and No. SE-139 (\$350,000) for the Loxahatchee Slough Natural Area from the Florida Fish and Wildlife Conservation Commission (FWC) to fund invasive plant removal; and

**B) approve** Budget Amendment of \$1,250,000 in the Environmental Resources Capital Fund to recognize the revenue from the Task Assignments.

**SUMMARY:** Task Assignments No. SE-140 (\$900,000), and No. SE-139 (\$350,000) to FWC Contract No. 08157 has been received from FWC, Bureau of Invasive Plant Management Section. The Task Assignments are effective from April 14, 2009 through May 31, 2009, for invasive plant control in the Loxahatchee Slough Natural Area. No matching funds are required. District 1 (SF)

8. Staff recommends motion to:

**A) approve** Grant Agreement (FWC-08264) with the Florida Fish and Wildlife Conservation Commission (FWC) which would provide \$60,000 for the construction of an artificial reef prior to August 31, 2009 at Boynton No. 3 Site;

**B) adopt** Resolution for the Clerk of the Board to disburse \$75,000 from the Vessel Registration Fee Trust Fund to cover the matching funds for this artificial reef project;

**C) approve** Budget Amendment of \$60,000 in the Environmental Enhancement Saltwater Fund; including a transfer from reserves for \$75,000 for a total of \$135,000 in project funding for the Boynton No. 3 Site; and

**D) authorize** the County Administrator or his designee to sign all future time extensions, task assignments, certifications and other forms associated with this agreement, and necessary minor amendments that do not change the scope of work or terms and conditions of the agreement.

**SUMMARY:** The FWC will provide \$60,000 (44%) in matching funds to purchase, deliver, and place limestone boulders at Boynton No. 3 Site for construction of a new artificial reef. The County will provide \$75,000 from environmental enhancement funds supported by vessel registration fees as match. District 4 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

9. Staff recommends motion to:

**A) approve** a Joint Partnership Agreement with the Florida Department of Transportation (FDOT) in the amount not to exceed \$4,850,000 to cover staff time and construction costs for creating a seagrass and mangrove mitigation project at Snook Islands Natural Area expiring on June 30, 2012;

**B) adopt** Resolution to authorize entering into an Agreement as a requirement of FDOT;

**C) approve** Budget Amendment of \$4,850,000 in the Environmental Resources Capital Fund to recognize the revenues from the agreement; and

**D) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications and other documents associated with this agreement and any necessary minor amendments to those documents that do not change the scope of work or terms and conditions of this Agreement.

**SUMMARY:** This Agreement will provide the necessary funding to create an approximate seven (7) acre seagrass and mangrove mitigation project located within the Snook Islands Natural Area. FDOT funding, estimated to be \$4,850,000, will cover all staff costs in the planning, permitting, bidding and construction oversight. There are no matching requirements. In addition, all costs associated with the construction work will be the responsibility of FDOT. An additional Agreement with FDOT may be necessary if the funding exceeds the cost estimates. District 3 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

10. Staff recommends motion to:

**A) approve** County Deed in favor of the Town of Jupiter (Town) conveying the County's undivided interest in and to a 0.0868-acre parcel of submerged land owned by the County, located north of the County's Jupiter Ridge Natural Area, south of Indiantown Road and between the eastern boundary of the Intracoastal Waterway and U. S. Highway 1 (Parcel A);

**B) accept** Quit-Claim Deed from the Town conveying its interest in an approximate 0.92-acre parcel of submerged land which was dedicated to the Town by the Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF; formerly known as the Trustees of the Internal Improvement Fund of the State of Florida) in 1965, and which is located west of Fullerton Island, north of Indiantown Road, west of the Intracoastal Waterway and east of Alternate A1A (Parcel B);

**C) adopt** Resolution authorizing the conveyance of the County's interest in Parcel A to the Town, with a reservation of mineral and petroleum rights, but without rights of entry and exploration, and for public recreational uses. Said conveyance is in consideration for the Town's conveyance of its interest in Parcel B to the County;

**D) adopt** Resolution requesting the State to re-assign dedication of Parcel B to the County with the Town's approval for conservation and passive recreational purposes; and

**E) accept** Partial Assignment and Assumption of Dedication No. 24155 from the Town to the County, with the TIITF consenting.

**SUMMARY:** The Town has been working to implement a 2.5-mile recreational corridor along the eastern shoreline of the Intracoastal Waterway known as the Jupiter Riverwalk (Riverwalk). Parcel A is located within the area needed to construct a connecting section of the existing Riverwalk and the Town is requesting the title to this land. In consideration for Parcel A, the Town will convey its interest in Parcel B to the County. Both properties are primarily mangrove and mangrove habitat. This transfer is mutually beneficial since the County will gain the right to use and maintain 0.92 acres of mangrove habitat for conservation and passive recreational purposes and the Town will receive a parcel of land that is essential for the completion of the Riverwalk. District 1 (JMB)

M. PARKS & RECREATION

1. Staff recommends motion to approve: Agreement with Teen Temps, Inc. for the period May 19, 2009, through November 15, 2009, in an amount not-to-exceed \$5,000 for the Palm Beach Panthers basketball program. **SUMMARY:** This funding is to assist with costs for the Palm Beach Panthers' participation in local and state basketball tournaments. Approximately 50 youth participate in this basketball program sponsored by Teen Temps, Inc. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to March 27, 2009. This funding allocation was proposed by Commissioner Addie Greene from Recreation Assistance Program District 7 funds prior to her leaving office. District 7 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

2. **Staff recommends motion to receive and file:** First Amendment to Agreement (R2008-1909) with Community Resource Center of Coleman Park, Inc. for the Youth MIC Night variety shows to expand the project scope and to extend the project completion date from December 31, 2008, to September 30, 2009, and the term of the Agreement from March 31, 2009, to December 30, 2009. **SUMMARY:** This fully executed First Amendment to Agreement expands the project scope for the Youth MIC Night shows to allow the shows to be held at any Palm Beach County school instead of only at Roosevelt Middle School. It also extends the project completion date to September 30, 2009, and the term of the Agreement to December 30, 2009, in order to allow additional time to complete the programs and accommodate dates of payments. All other terms of the Agreement, including the funding amount of \$5,000, remain the same. Funding for the project is from the Recreation Assistance Program District 7 Funds. District 7 (AH)
  
3. **Staff recommends motion to approve:** Agreement with Ruth Rales Jewish Family Service of South Palm Beach County, Incorporated for the period May 19, 2009, through July 1, 2010, in an amount not-to-exceed \$5,000 for funding of the 2009 Diamond Club Senior Recreational Program. **SUMMARY:** This funding is to assist with the cost of operational expenses for the 2009 Diamond Club Senior Recreational Program. This Program serves approximately 100 senior citizens who are 75 years and older. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to April 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)
  
4. **Staff recommends motion to approve:** Interlocal Agreement with the Town of Lake Clarke Shores for the period May 19, 2009, through May 18, 2011, in an amount not-to-exceed \$75,000 for Lake Clarke Shores Community Park Improvements – Phase IV. **SUMMARY:** This allocation provides funding for Phase IV improvements to Lake Clarke Shores Community Park to include electricity for picnic pavilions, playground shade structure, play equipment, park furniture including water fountain and benches, fencing, design and construction, project coordination/management fees, and other miscellaneous project expenses. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to January 1, 2009. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 3 (PK)
  
5. **Staff recommends motion to approve:** Agreement with Palm Beach County Cultural Council, Inc. for the period May 19, 2009, through December 30, 2009, in an amount not-to-exceed \$25,000 for funding of the centennial bell project. **SUMMARY:** This funding is to assist with the cost of the Palm Beach County Cultural Council, Inc.'s centennial bell project to be located between the Palm Beach Governmental Center and the 1916 Courthouse. This public art project will be viewed by thousands of people who utilize this public area. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to April 1, 2009. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. Countywide (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

6. **Staff recommends motion to approve:** Agreement with Jewish Federation of South Palm Beach County, Inc. for the period May 19, 2009, through December 1, 2009, in an amount not-to-exceed \$25,000 for funding of the 2009 Israel Independence Day celebration. **SUMMARY:** This funding is to assist with the cost of the 2009 Israel Independence Day celebration held by the Jewish Federation of South Palm Beach County, Inc. at the Mizner Park Amphitheater on April 29, 2009. This annual event attracts approximately 5,000 people. The Agreement allows for the reimbursement of eligible project costs incurred subsequent to February 15, 2009. Funding is from the Recreation Assistance Program (RAP) District 5 Funds. District 5 (AH)
  
7. **Staff recommends motion to receive and file:** executed Independent Contractor Agreement received during the month of April: Ken Nemet, Master's Swim Team Coach, Lake Lytal Aquatic Center. **SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreement has been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and is now being submitted to the Board to receive and file. District 2 (AH)
  
8. **Staff recommends motion to approve:** First Amendment to Independent Contractor Agreement (R2008-1521) with 3D Diving, Inc. for USA Diving Program services at North County Aquatic Complex for the period July 1, 2008, through June 30, 2009. **SUMMARY:** On June 10, 2008, the Parks and Recreation Department entered into an Independent Contractor Agreement with 3D Diving, Inc. to provide coaching services for the USA Diving program at North County Aquatic Complex. Under this original Agreement, the total amount to be paid by the County for all services and materials was not-to-exceed \$40,000. This First Amendment increases the total contract amount by \$10,000 to \$50,000. District 1 (AH)
  
9. **Staff recommends motion to approve:**
  - A) Interlocal Agreement with the Village of Wellington for the period May 19, 2009, through May 18, 2012, in an amount not-to-exceed \$822,296 for funding of an Amphitheater; and
  - B) Budget Transfer of \$822,296 within the \$25 Million GO Parks and Cultural Improvements Bond Fund - 2005 from Cultural Trust Outdoor Entertainment Pavilion to Village of Wellington Amphitheater.

**SUMMARY:** This Agreement provides funding for the design and construction of an amphitheater within the Wellington Community Town Center located at 12165 Forest Hill Boulevard. The funding allocation was approved by the Board on October 21, 2008. The Agreement allows for the reimbursement of eligible expenses incurred subsequent to January 1, 2009. Funding is from the 2002 \$50 Million Recreational and Cultural Facilities Bond referendum, as amended – District 6. District 6 (PK)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (Cont'd)

10. **Staff recommends motion to adopt:** Resolution for assistance under the Florida Inland Navigation District (FIND) Waterways Assistance Program for grant funding for DuBois Park Marina and Shoreline Stabilization project in the amount of \$987,000. **SUMMARY:** On April 21, 2009, the Board of County Commissioners (BCC) approved submission of a FIND Waterways Assistance Program (WAP) grant for \$987,000 for construction of the DuBois Park Marina and Shoreline Stabilization project. The grant application included a Resolution approved and executed by the BCC in 2008; however, a current Resolution should have been submitted with the 2009 grant application. The original cost estimate for this project was \$3,548,435. The cost estimate has recently been revised and the current cost estimate is \$2,541,978, which does not include contingencies or construction oversight. The balance of the project will be funded by the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue and a \$500,000 Florida Fish & Wildlife Conservation Commission Florida Boating Improvement Program grant. District 1 (AH)

N. LIBRARY

1. **Staff recommends motion to:**

**A) approve** a Literacy Coalition of Palm Beach County AmeriCorps Site Application for the County Library's participation in a Literacy\*AmeriCorps PBC Program for the period August 24, 2009, through August 23, 2010; and

**B) authorize** the Chairman to execute the agreement and any other necessary forms and certifications.

**SUMMARY:** This site application, if approved, will provide the County Library with one (1) full-time Literacy\*AmeriCorps member for one (1) year. This member will contribute 32 hours per week offering conversational English programs and overseeing the literacy computer learning lab. The Library will pay a service fee of \$4,950 to the Coalition and business-related mileage to the member up to \$2,350. AmeriCorps, with supplemental funds from the Coalition, will cover all other expenses including Workers' Compensation, liability, and health care coverage. Funds will be provided through the Library's FY 2009 and 2010 operating budgets and will have minimal fiscal impact. Countywide (TKF)

3. CONSENT AGENDA APPROVAL

P. COOPERATIVE EXTENSION SERVICE

1. Staff recommends motion to approve:

**A)** Agricultural Land Management Interlocal Agreement with the Palm Beach Soil and Water Conservation District (PBSWCD), a public corporation of the State of Florida, for a period of three (3) years continuing their management of property within the Ag Reserve that has been purchased by Palm Beach County and leased out for agricultural uses, for a fee of \$53,994 per year to be paid from funds generated by the lease program; and

**B)** the authorization of the County Administrator or his designee to execute amendments to this Agreement which would give the PBSWCD the ability to manage additional lands/property pursuant to the agreement.

**SUMMARY:** PBSWCD will manage agricultural lands under this Agreement purchased by the County with funds from the March 1999 Conservation Lands Bond Referendum. The original agreement was based on their experience with a similar program for the South Florida Water Management District and their understanding of the local agricultural industry. Management fees will be for any and all agricultural leased properties owned by Palm Beach County during the period of the Agricultural Land Management Interlocal Agreement. This Agreement is for a three (3) year period beginning July 1, 2009 for an annual fee of \$53,994. Districts 3 & 5 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to approve:

**A) receive and file** the Palm Beach County Criminal Justice, Mental Health and Substance Abuse Reinvestment Act grant final financial report;

**B) approve** the return of unexpended grant funds not to exceed \$7,000; and

**C) approve** an upward Budget Amendment not to exceed \$4,500 to reconcile the budget to the actual interest revenue received through the repayment date.

**SUMMARY:** Palm Beach County was awarded a \$100,000 grant from the Florida Department of Children and Families on May 20, 2008. The Palm Beach County Criminal Justice, Mental Health and Substance Abuse Planning Council worked on this one-year planning grant that was used to develop partnerships and strategies to identify and divert adults and juveniles with mental health and substance abuse issues out of the criminal justice system. The end result of the planning produced a Strategic Plan report. This grant is now being closed out and all unused funds are being returned to the Florida Department of Children and Families in accordance with Memorandum of Understanding No. LHZ22. Countywide (DW)

2. Staff recommends motion to receive and file: the Palm Beach County Criminal Justice, Mental Health and Substance Abuse Reinvestment Act Strategic Plan. **SUMMARY:** Beginning in June 2008, the Palm Beach County Criminal Justice, Mental Health and Substance Abuse Planning Council has worked on a one (1) year planning grant that was used to develop partnerships and strategies to identify and divert adults and juveniles with mental health and substance abuse issues out of the criminal justice system. Work to complete the Strategic Plan was funded by the Florida Reinvestment Act grant awarded by the Florida Department of Children and Families. It was developed by the County's Criminal Justice, Mental Health and Substance Abuse Planning Council supported by the Criminal Justice Commission and Analytica Consultants. Countywide (DW)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to:

**A) approve** a Grant Application to the U.S. Department of Homeland Security's (DHS) 2009 Assistance to Firefighters Grant Program in the amount of \$400,000 with a local match of \$100,000 for a total project cost of \$500,000; and

**B) authorize** the County Administrator, or his designee (Battalion Chief Thomas Tolbert), to act as the County's representative for the purpose of electronically signing and submitting the Grant Application via the DHS/FEMA website.

**SUMMARY:** The 2009 Assistance to Firefighters Grant (AFG) Program is a competitive Grant Program designed to assist local fire departments in protecting citizens and firefighters against the effects of fire and fire-related incidents. This Grant Program funds activities such as purchasing firefighting equipment, personal protection equipment, training, firefighting vehicles, and firefighter/first responder safety projects. If awarded this Grant, Fire-Rescue will use the funds to purchase a site license for the National Fire Incident Report System (NFIRS) 5.0 system software for forty-eight fire stations. The network compatible software will allow the Department to comply with the State of Florida mandate to submit NFIRS data in a 5.0 format to the State Fire Marshal's office. The acquisition of this new software will provide a regional benefit since it will be available to the municipalities for which the Department provides dispatches services. Grant rules require submission of grant applications by electronic format in order to assure an efficient review and competitive scoring of all funding requests submitted under this program. The deadline for submission of this Grant Application to the grantor agency is 5:00 p.m. on May 20, 2009. Countywide (SB)

AA. PALM TRAN

1. Staff recommends motion to approve:

**A)** First Amendment to the Standard Coordination/Operator Contracts with Federation Transportation Services, Inc.; and

**B)** First Amendment to the Standard Coordination/Operator Contract with Seagull Industries for the Disabled, Inc.

**SUMMARY:** On May 6, 2008, the Board of County Commissioners approved a resolution (R2008-0808) delegating authority, through the County Administrator, to Palm Tran's Executive Director to execute Standard Coordination/Operator Contracts for the Transportation Disadvantaged. This delegation of authority did not encompass within it, the authority to execute amendments to the contracts that the County has with Federation Transportation Services, Inc. and Seagull Industries for the Disabled, Inc. The Amendment to the contracts with Federation Transportation Services, Inc. revises the TD trip co-payment to reflect the fare charged from October 1, 2008, to March 31, 2009, and the fare charged from April 1, 2009, to September 30, 2011. The Amendment to the contract with Seagull Industries for the Disabled, Inc. establishes the not to exceed contract amount for the entire three (3) year term of the contract rather than one (1) year. Countywide (DR)

3. CONSENT AGENDA APPROVAL

AA. PALM TRAN (Cont'd)

2. **Staff recommends motion to approve:** Agreement with the Village of Wellington to support the development of a Park-and-Ride lot. **SUMMARY:** The Village of Wellington has agreed to make available to the County sufficient property (two (2) acres) for use as a Park-and-Ride lot (the Facility). The County will provide funding, permitting, design, construction and project management for the construction activities. The Park-and Ride lot will have approximately 140 parking spaces. The Agreement allows the County's access and use of the Facility for an initial term of ten (10) years and automatically extends for two (2) additional five (5) year periods, unless terminated by the County. The Village of Wellington will be responsible for the continuing maintenance and security of the Facility after construction. The estimated cost of design and construction is \$702,765, all of which is being funded under existing grants, with no County match or participation. District 6 (DR)

BB. SHERIFF

1. **Staff recommends motion to receive and file:** Grant Adjustment Notice extending the Florida Department of Law Enforcement, Terrorism Prevention Program Grant period from March 31, 2009, to June 30, 2009. **SUMMARY:** The Board of County Commissioners (BCC) accepted this grant for \$97,312 on July 8, 2008; the original period for this grant was April 7, 2008, through December 31, 2008 (R2008-1237). On April 7, 2009, the BCC received and filed an agenda item extending the grant period from December 31, 2008, through March 31, 2009 (R2009-0594). This agenda item will extend the grant period from March 31, 2009, through June 30, 2009. The objective of this program is to enhance Palm Beach County's critical infrastructure and key resources. These funds, which have been approved by FDLE, will be used to enhance the County's risk assessments on assets believed to be time critical. The Palm Beach County Sheriff's Office has been given an extension to allow the grant funds to be fully expended. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)
2. **Staff recommends motion to receive and file:** Grant Adjustment Notice extending the Florida Department of Law Enforcement Florida Consortium 2008 Paul Coverdell National Forensic Sciences Improvement Grant period from September 30, 2009, to March 31, 2010. **SUMMARY:** The Board of County Commissioners accepted this grant for \$41,785 on March 17, 2009; the original period for this grant was October 1, 2008, through September 30, 2009 (R2009-0465). This agenda item will extend the grant period from September 30, 2009, through March 31, 2010. The National Institute of Justice (NIJ) awarded these funds to the Florida Department of Law Enforcement (FDLE) for the "2008 Paul Coverdell National Forensic Sciences Improvement Grant". On December 19, 2008, the Palm Beach County Sheriff's Office (PBSO) was awarded funds to improve the quality of forensic services. The PBSO's Technical Services Division will use the funds provided for: overtime, training and the purchase of a high speed scanner. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

3. CONSENT AGENDA APPROVAL

CC. FIFTEENTH JUDICIAL CIRCUIT

1. **Staff recommends motion to approve:** a Budget Amendment of \$19,000 in the General Fund to recognize revenue generated by the Process Server Program and appropriates it within the 15<sup>th</sup> Judicial Circuit budget. **SUMMARY:** The Budget Amendment requested recognizes revenue generated over and above the currently budgeted revenue from the Process Server Program. The Amendment appropriates this revenue within the 15<sup>th</sup> Judicial Circuit budget to cover costs of building out the staff work area. The resources will be used to cover the cost of building out the work space of court employees. Countywide (PFK)

DD. TOURIST DEVELOPMENT COUNCIL

1. **Staff recommends motion to adopt:** a Resolution authorizing the expenditure of \$150,000 in tourist development tax revenues from the Special Projects Fund for Super Bowl 2010 South Florida Super Bowl Host Committee XLIV expenses. **SUMMARY:** By adopting this Resolution, the Board of County Commissioners establishes that the expenditure of tourist development tax revenues on Super Bowl 2010 will promote Palm Beach County tourism and authorizes the expenditure of those funds in the total amount of \$150,000 according to the following schedule: \$50,000 prior to June 1, 2009, \$50,000 prior to November 1, 2009, and \$50,000 prior to March 1, 2010. Countywide (MC)

\* \* \* \* \*

4. PUBLIC HEARINGS - 9:30 A.M. (Motion to receive and file: Proof of publication)

- A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Section 6-21 through 6-23, codifying Palm Beach County Ordinance No. 95-51, pertaining to certain vessels in the Loxahatchee River, to include certain vessels in Little Lake Worth; amending Section 6-21, Declaration of Legislative Intent; amending Section 6-22, Definitions; amending Section 6-23, Prohibitions; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalty; providing for captions; and providing for an effective date. **SUMMARY:** Residents of Palm Beach County have raised health, safety, and other concerns with regard to people living in boats in the Little Lake Worth area of the Lake Worth Lagoon. Accordingly, the Board of County Commissioners directed staff to draft an amendment to Ordinance 95-51 to prohibit the use of boats as living quarters and restricting commercial activity on boats in Little Lake Worth. Countywide (SF)
  
- B. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Chapter 14, Article 1, Division 3, Sections 14-31 and 14-32 of the Palm Beach County Code; providing for general requirements; providing for securing of vacant structures and limiting the height of overgrowth on developed property; providing for applicability; providing for a savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in code of laws and ordinances; and providing for an effective date. **SUMMARY:** The Ordinance amends the Property Maintenance Code to provide for the option of a vacant structure being secured by boarding up in those instances where repeated vandalism occurs or there is evidence of unauthorized access. It also amends the section addressing maintenance of exterior property areas, i.e. overgrowth, to be consistent with the provisions set forth in the lot clearing section of the Code which prohibits overgrowth of more than seven (7) inches on developed lots. Countywide (GB)
  
- C. **Staff recommends motion to adopt:** adopt Remedial Plan Amendment Ordinance provided for by the Stipulated Settlement Agreement between Palm Beach County and the Department of Community Affairs (“DCA”) in the case of Department of Community Affairs et. al. v. Palm Beach County et. al., Case No.: 07-5238 GM (University Drive Comprehensive Plan Amendment). **SUMMARY:** Palm Beach County adopted Ordinance 2007-008, as part of its 07-1 Round of Comprehensive Plan Amendments on August 27, 2007, which provided for the removal of University Drive from Lox Road to Palmetto Park Road and Riverside Drive from Palmetto Park Road to Glades Road from the Transportation Element and Map Series in the Palm Beach County Comprehensive Plan. The DCA objected to the removal of the roadway segments, contending that the Amendment failed to mitigate the traffic impacts caused by the proposed removal of the University Drive and Riverside Drive roadway extensions. The DCA filed a Notice of Intent to find the Comprehensive Plan Amendment “not in compliance,” and initiated the above-styled formal administrative proceeding challenging the Amendment. The City of Coconut Creek, the City of Coral Springs, and the City of Tamarac intervened on behalf of the DCA, while property owners in the area, Triple H. Ranch Property, Ltd., and DeBuys Property Investment Group, Ltd., and the City of Parkland intervened on the side of the County. On April 21, 2009, the County approved a Stipulated Settlement Agreement with the DCA, providing for additional traffic mitigation measures, including the identification of SR 7 as a Transit Oriented Corridor, County support for a SR 7 Land Use Study and a PD&E Study to further identify traffic mitigation opportunities, as well as a commitment to fund County bus service on SR 7 commensurate with rider demand. DCA Secretary Pelham signed the Agreement on May 1, 2009. Triple H. Ranch Property, Ltd., and DeBuys Property Investment Group, Ltd. also signed the Stipulated Settlement Agreement. Staff proposes a Remedial Plan Amendment to implement the agreed upon traffic mitigation measures. District 5 (ATP)

\* \* \* \* \*

5. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to:

**A) adopt** a Resolution to support CSL Plasma, Inc. for Florida's Qualified Target Industry (QTI) Tax Refund Program;

**B) approve** the Job Growth Incentive (JGI) Grant Agreement, as the required 20% QTI local match, with CSL Plasma, Inc. in the amount of \$40,000 for the creation of 50 jobs in Palm Beach County at an average annual salary of \$67,500, excluding benefits;

**C) approve** a Budget Transfer of \$40,000 from the General Fund Contingency Reserve to the Economic Development Job Growth Incentive Fund (JGI); and

**D) approve** a Budget Amendment of \$40,000 to the Economic Development Office Fund to recognize and appropriate the transfer of funds from the General Fund Contingency Reserve.

**SUMMARY:** CSL Plasma, Inc., headquartered in Boca Raton, is a wholly-owned subsidiary of CSL Behring, a publicly traded company in Australia, and the global leader of plasma collection and distribution of life-saving therapies. The JGI Agreement requires the company to retain 120 jobs, and create 50 new jobs, for a total of 170 jobs with an average salary of \$67,500, excluding benefits, by June 30, 2011; and maintain the jobs through June 30, 2014. The JGI grant is recommended at \$800 per job created or \$40,000. CSL Plasma, Inc.'s investment in our local community is expected to produce total economic impacts from direct, indirect and induced dollars as follows: \$15.9 million in output, \$5.3 million in wages, and \$.36 million in taxes. CSL Plasma, Inc. has filed a QTI Tax Refund Program application with Enterprise Florida. It is anticipated that the State will award up to \$200,000. The QTI requires a 20% local match or \$40,000. The 20% match will be achieved using the JGI grant. Funds are not allocated in the 2009-2010 budget for JGI. The BCC directed Staff to bring qualified companies to the BCC for consideration. Countywide (DW)

2. **Staff requests Board direction:** regarding a Resolution in support of universal health insurance coverage, which will urge and request the United States Congress to enact, and the President of the United States to sign legislation, such as H.R. 676 (Conyers, M-14) or other legislation that is meaningful and actuarially sound, without imposing additional mandates on county governments. **SUMMARY:** Due to the rising costs of providing health insurance to County employees and retirees, and its associated burden on local government budgets, the Board directed staff to return with a draft Resolution for discussion in support of H.R. 676, also known as the United States National Health Care Act, which creates a single-payer universal health care system which would cover all necessary medical care including prescription drugs, hospital, surgical, outpatient services, primary and preventative care, emergency services, dental care, vision care and long-term care. Countywide (TKF)

5. REGULAR AGENDA

A. ADMINISTRATION (Cont'd)

3. Staff requests Board direction: regarding Supervisor of Election (SOE) Susan Bucher's desire to conduct a Request for Proposal (RFP) for a replacement facility for SOE's Voter Equipment Center (VEC). **SUMMARY:** Due to the need to handle massive amounts of paper from the change in the voting system for 2008 and to facilitate public access to the Election Day vote tabulation, the County (on behalf of the SOE) leased approximately 23,000 sf of the Department of Airport's SkyChef Building. The SOE believes the space requirements for the VEC is approaching 70,000 sf and has requested that the County evaluate leasing space for this purpose. In response, Staff contacted the representatives of industrial and commercial properties including those identified by the SOE, but came to the conclusion that: 1) the physical space features/attributes of the leased properties are not fundamentally different from SkyChef, 2) the rent, common area maintenance charges, tenant and infrastructure improvement costs would be roughly \$1.8M higher than at SkyChef over a five (5) year period, and 3) it was unlikely that a leased property could be secured and improved in time for the next election cycle. To accommodate the SOE, Staff has proposed to expand the space allocated to the SOE at SkyChef to 69,000 sf by relocating the remainder of the County tenants (Sheriff) and by expanding into the second floor. The SOE does not find SkyChef to be acceptable. Among reasons stated are: insufficient space, poor layout of space and second floor access issues. Setting aside questions regarding the quantity of space being requested, FDO believes that space and functional requirements identified by the SOE can be accommodated at SkyChef. The SOE believes that satisfactory facilities are available for lease which can be made ready for occupancy by the end of the year at a similar price to SkyChef so that 2010 countywide elections can be handled from the new site. An RFP would be required to select a leased site. While the responses to the RFP will specifically define all costs associated with each property, Staff does not feel that the results of the RFP will materially change the financial analysis. The SOE has identified a specific building which it believes can meet its needs at a reduced rental rate and will require few improvements. Notwithstanding the need for an RFP, and using the building identified by SOE as a comparison, leasing space from a private owner will require an unbudgeted outlay for improvement and move costs of \$2M. In addition, Staff believes there is substantial risk associated with having to select a facility, negotiate a contract and make the necessary improvements in less than a year. Staff believes that SkyChef continues to be a reasonable site for the VEC due to proximity to SOE Gun Club Road offices, security on Airport property, County ownership of building, access to County computer network, cost, and proven functionality during the 2008 election. Countywide (HF)

5. REGULAR AGENDA

B. AIRPORTS

1. Staff recommends motion to:

**A) delegate** authority to the County Administrator or his designee to approve a construction contract and all associated forms and certifications, pursuant to an Invitation to Bid for the Department of Airports' Project No. PB 09-8, for work associated with the American Recovery and Reinvestment Act of 2009 at Palm Beach International Airport, in an amount not to exceed \$4,000,000; and

**B) approve** a Budget Amendment of \$3,870,000 in the Airports Improvement and Development Fund, contingent upon actual grant awards, including \$3,870,000 in the American Recovery and Reinvestment Act funding and \$130,000 transferred from Airport Reserves.

**SUMMARY:** The Department of Airports is currently in the process of advertising an Invitation to Bid utilizing the County's competitive bid process for a project to rehabilitate Runway 13-31 at Palm Beach International Airport (PBIA), in an attempt to obtain grant funding through the American Recovery and Reinvestment Act (ARRA) of 2009. The current total project cost estimate is \$3,870,000. This project has been closely coordinated with the Federal Aviation Administration (FAA) and will comply with all of the requirements imposed by the FAA and the requirements of the ARRA. In order to meet the requirements of the ARRA, funds must be obligated pursuant to a grant offer and acceptance by the County by June 17, 2009. Based on the stringent timeframes to obtain bids on the project and provide the final paperwork to the FAA to execute the grant and award the contract to the successful bidder, the Department of Airports is requesting approval of the delegation of authority to the County Administrator or his designee to execute a construction contract on behalf of the Board of County Commissioners in an amount not to exceed \$4,000,000. Countywide (AH)

C. CLERK & COMPTROLLER

**TIME CERTAIN 10:00 A.M.**

1. **Staff recommends motion to receive and file:** Presentation of the Palm Beach County Comprehensive Annual Financial Report for fiscal year ending September 30, 2008. **SUMMARY:** The Clerk & Comptroller's office will provide a year-end financial review based on the Palm Beach County Comprehensive Annual Financial Report for 2008. Countywide (PFK)

5. REGULAR AGENDA

D. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to:

**A) adopt** a Resolution authorizing the County to obtain a line of credit in the principal amount of \$38,776,332 to support the issuance of letters of credit to satisfy the debt service reserve fund requirements of seven (7) of the County's outstanding bond issues; approving the form of and authorizing the execution of a Loan Agreement with Wachovia Bank, N.A. and providing for an effective date; and

**B) authorize** OFMB to prepare a Budget Transfer of \$68,790 from sales tax revenues and amend the seven (7) debt service funds and general fund.

**SUMMARY:** On May 20, 2008 (R2008-0817), the Board approved a line of credit with Bank of America to satisfy the debt service reserve requirement for seven (7) bond issues. That line of credit was for a period of one (1) year and is due to expire. In accordance with the terms of the Agreement with Bank of America, County staff discussed renewing the letters of credit. Bank of America stated that the renewal would require additional business in the form of deposits from the County. Following discussions with Clerk and Comptroller's staff the County received a proposal from Wachovia Bank at an annual rate lower than quotes from other banks. The term of the above line of credit is one (1) year subject to renewal by the County and acceptance by the Wachovia Bank. The County anticipates renewing the letters of credit in accordance with the bond Resolution. The annual fees will be included in the FY 2010 Budget. Countywide (PFK)

2. Staff recommends motion to:

**A) adopt** a Resolution authorizing the negotiation of a loan in an amount not to exceed \$16.5 million from the Sunshine State Governmental Financing Commission; authorizing the execution and delivery of a Loan Agreement; in the alternative, authorizing a not to exceed \$16.5 million Capital Improvement Bond Anticipation Note, Series 2009 (Note); delegating to the Chairman to consummate the sale and award the Note; providing certain other matters in connection with the making of the Loan or the sale of the Note; providing an effective date; and

**B) approve** a Budget Amendment of \$16,500,000 in the Public Improvement Revenue Bonds Four Points Facility Capital Fund to record the loan proceeds and appropriate funding for capital projects and cost of issuance and authorize OFMB to make minor changes in the budgets for loan or note proceeds and cost of issuance.

**SUMMARY:** On April 29, 2009, the County received bids from two (2) Banks which were rejected by staff and the County's financial advisor. Staff requested and received approval for a variable rate loan from the Sunshine State Governmental Financing Commission to finance the capital improvements. The current annual costs on the Sunshine State loan will range from 2.5% to 3% including liquidity, which is subject to credit approval by the liquidity bank. The above Resolution authorizes the Sunshine State Loan and delegates to the Chairman the authority to consummate the Loan. If for any reason the Loan is not finalized, the Resolution authorizes the negotiated sale of a short-term Bond Anticipation Note to finance the projects and delegates to the Chairman the authority to consummate the sale and award the Note. The costs of issuance are payable for the proceeds of the Loan or Note. Countywide (PFK)

5. REGULAR AGENDA

D. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

3. Staff recommends motion to approve: a Budget Transfer of \$315,000 from General Fund Contingency Reserves to the Belle Glade Youth Empowerment Center program. **SUMMARY:** This transfer is necessary to re-establish BCC approved budget for the Youth Empowerment Center in Belle Glade. Un-expended funds from FY 2008 were brought forward into the current year as part of the Balance Brought Forward amendment approved on April 21, 2009, and are included in General Fund Reserves. The current program budget is \$285,000. Pursuant to Board direction during the FY 2009 budget development process, this transfer will reappropriate the entire unexpended FY 2008 annual allocation of \$300,000 and increase the FY 2009 by \$15,000 to \$300,000. This brings the total FY 2009 program budget to \$600,000. District 6 (DW)

E. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to:**

**A) approve** a new portion of the Land Development schedule of user fees to allow charges and establish a schedule of the charges for the review and processing time from the Roadway Production and the Traffic Engineering Divisions to be added to the cost of right-of-way construction permits and services; and

**B) adopt** a Resolution revising a schedule to increase the user fees approximately 10% to more closely match actual Palm Beach County (County) costs in the review and preparation of various Land Development permits and services, and to include the addition of a fee schedule for the Roadway Production and Traffic Engineering Divisions. This action will repeal the latest fee revision, Resolution R99-1071.

**SUMMARY:** Approval of this motion would allow for and establish a new fee schedule to defray the plan review costs of the Roadway Production and the Traffic Engineering Divisions, for the required review of plans and permit applications proposing construction within County rights-of-way. Approval will also update the current Land Development Fee Schedule to increase the user fees approximately 10% to update the current costs. This action will repeal the latest fee revision, Resolution R99-1071. Countywide (MRE)

5. REGULAR AGENDA

F. PARKS & RECREATION

1. Staff recommends motion to:

**A) approve** the following proposed District 7 Recreation Assistance Program (RAP) allocations in an amount not-to-exceed \$92,800:

- 1) Aid to Victims of Domestic Abuse, Inc. - 2009 5K Run/Walk (\$2,500);
- 2) Ballet Florida, Inc. - City Dance Program (\$5,000);
- 3) Boynton Beach - 2009 Heritage Festival (\$7,000);
- 4) Care & Share Foundation, Inc. - Pop Warner Dance Competition (\$6,300);
- 5) Community Neighborhood Helping, Inc. - Glory Awards/Community Projects (\$5,000);
- 6) Delta Heritage Foundation, Inc. - Delta GEMS College Tours (\$6,500);
- 7) Girls II Women, Inc. - 2009 College Tour (\$5,000);
- 8) Knights of Pythagoras, Inc. - Black History Brain Bowl/Mothers' Day Program (\$2,500);
- 9) Greater Lake Worth Chamber of Commerce, Inc. - 4th of July Event (\$8,500);
- 10) Nelson's Outreach Ministries, Inc. - Summer Camp Programs (\$7,000);
- 11) Omnipotent Outreach Ministry, Inc. - Summer Camp Program (\$5,000);
- 12) Palm Beach Community College - Upward Bound Summer Olympics (\$5,000);
- 13) PB XXtreme Heat, Inc. - Basketball Program (\$7,000);
- 14) Riviera Beach - Civil Drug Court 2008 Winter Wonderland (\$2,500);
- 15) Roots Cultural Festival, Inc. - Community Event (\$5,000);
- 16) Sean Greene Performing and Fine Arts Academy, Inc. - Dance Program (\$8,000);
- 17) United Sports and Social Club, Inc. - Jamaican Independence Celebration (\$5,000); and

**B) authorize** for the County Administrator or designee to execute standard RAP Agreements in the amounts stated.

**SUMMARY:** The proposed RAP allocations included in this item were made by Commissioner Addie Greene prior to her leaving office. Agreements for the projects are in various stages of development, and several have been signed by recipients, but not yet returned to the Board for approval. Approval of this item will authorize the RAP expenditures and allow the agreements to be executed by the County Administrator or his designee. Funding is from RAP District 7. District 7 (AH)

5. REGULAR AGENDA

G. TOURIST DEVELOPMENT COUNCIL

1. Staff recommends motion to approve: reallocation of \$3 million of TDC-1<sup>st</sup> Cent Tourism Local Option Tax Fund operating reserves to support a marketing stimulus campaign for Convention and Visitors Bureau (CVB), Cultural Council, Film and Television Commission and Sports Commission. **SUMMARY:** The TDC-1<sup>st</sup> Cent Tourism Local Option Tax Fund is dedicated to the expansion of the Convention Center. However, at the March 17, 2009 BCC meeting, the Board directed staff to restrict \$10 million of budgeted operating reserve funds for future year expenditures for the Convention Center and Stadium renewal/replacement account. At this time, staff is requesting \$3 million of this fund reserves be reallocated to a TDC multi-agency tourism stimulus strategy to market Palm Beach County to fly and drive market travelers. This tourism stimulus strategy tactical investment will be in following areas: A) Online (e-commerce) 41.48%, B) Broadcast (Radio/TV) 20.46%, C) Print/Collateral 29.20%, D) Group/Sports Booking Rebates 8.30% and E) Direct Sales - .56%. As a result of this effort, it is estimated that the decline in tourism will slow and anticipate a jump start in the tourism industry in Palm Beach County. This campaign will be closely monitored and measured to ensure these funds are being expended in a responsible manner. Approval of this item will require an amendment of the Tourism Local Option Tax Ordinance. The proposed amendment is on this agenda for preliminary reading and permission to advertise. The Public Hearing of the Ordinance amendment is schedule for June 2, 2009. Countywide (MC)
  
2. Staff recommends to approve on preliminary reading and advertise for Public Hearing on June 2, 2009, at 9:30 a.m.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 17-116 of the code of laws and ordinances; as codified in the Tourist Development Ordinance of Palm Beach County, Florida, Ordinance 95-30, as amended; providing for an amendment to the tourist development plan to authorize the expenditure of additional tourist development tax revenues for the promotion and marketing of palm beach county tourism and to establish a reserve for the repair and maintenance of a professional sports stadium and a convention center; providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalty; providing for applicability; and providing for an effective date. **SUMMARY:** This Ordinance provides for an amendment to the County's Tourist Development Plan to authorize the expenditure of the bed tax operating reserve fund of the 1<sup>st</sup> Cent of the Tourist Development Tax ("bed tax") for a marketing stimulus campaign of \$3 million to promote County tourism by all agencies and to establish a reserve for repairs and maintenance of a professional sports stadium and a convention center. Countywide (MC)

\* \* \* \* \*

6. BOARD APPOINTMENTS

A. **ADMINISTRATION**  
**(Fair Housing/Equal Employment Board)**

1. **Staff recommends motion to approve:** reappointment of a member to the Fair Housing/Equal Employment Board for a term beginning on January 10, 2009, through January 9, 2011. The appointment is to be made from the following nominees:

<b><u>Nominee</u></b>	<b><u>Nominated By</u></b>	<b><u>Seat No.</u></b>
Keith Spruill	Chairman Koons Commissioner Vana	7

**SUMMARY:** Keith Spruill is a current member of the Fair Housing/Equal Employment Board. Mr. Spruill has indicated his willingness to be reappointed. The reappointment is at-large and for a two (2) year term ending January 9, 2011. The board is composed of nine (9) members. Seven (7) members are district appointments and two (2) are at-large. The Ordinances require that the appointees should reflect, to the greatest extent possible, representation from the protected groups identified in the Ordinances and who have experience and interest in equal opportunities. The board meets quarterly. A memorandum was sent to the Board of County Commissioners on April 1, 2009 requesting nominations. No other nominations were received. Countywide (TKF)

**(Boca Raton Airport Authority)**

2. **Staff recommends motion to approve:** reappointment of the following individuals to the Boca Raton Airport Authority for a term of two (2) years, effective June 2, 2009, through June 1, 2011:

<b><u>Nominee</u></b>	<b><u>Seat No.</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Nominated by:</u></b>
Janet Sherr	6	Greater Boca Raton Airport Reserve Area	Comm. Abrams Comm. Aaronson
Willard "Bill" Schwartz	7	Greater Boca Raton Airport Reserve Area	Comm. Abrams Comm. Aaronson

**SUMMARY:** The Boca Raton Airport Authority created by Chapter 2004-468, Laws of Florida, is composed of seven (7) members: five (5) members are appointed by the City of Boca Raton and must reside within the municipality; and two (2) members are appointed by the Board of County Commissioners and the members must reside within the Greater Boca Raton Reserve Area. The above two (2) County representatives' terms will expire June 1, 2009. Both representatives have expressed a desire to continue on the Authority and are eligible for reappointment. On April 22, 2009, a memo was distributed to the BCC regarding nominations to the above Authority. No other nominations were received. District 4 (JB)

6. BOARD APPOINTMENTS

B. **FIRE RESCUE**  
**(Fire Code Board of Appeals and Adjustments)**

1. **Staff recommends motion to approve:** the appointment of four (4) members to the Fire Code Board of Appeals and Adjustments Committee for a three (3) year term, beginning on May 19, 2009, through May 18, 2012:

<b><u>Appoint: Nominee</u></b>	<b><u>Category</u></b>	<b><u>Seat No.</u></b>	<b><u>Nominated By</u></b>
Jacek Tomasik	Municipal Building Official	3	Comm. Koons
Ronald Goodstein	Architect	4	Comm. Koons
Mark Galavan	Fire Sprinkler Contractor	5	Comm. Koons
Jason Lee	Mechanical Engineer	8	Comm. Koons

**SUMMARY:** The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2008-045). The prior Architect appointee, Ed Oliver, no longer met the qualifications for this appointment and resigned, thereby creating a vacancy to be filled for Seat No. 4. The prior appointments in Seats No. 3, 5 and 8 have expired. On April 2, 2009, a memo was distributed to the Commissioners requesting nominations to this nine (9)-member board (At-Large). This Board is appointed by the Board of County Commissioners and members serve three (3) year terms, with no limit on the number of terms an individual may serve. No other nominations were received. Countywide (SB)

C. **PLANNING, ZONING & BUILDING**  
**(Building Code Advisory Board)**

1. **Staff recommends motion to approve:** appointment of the following individual to the Building Code Advisory Board, for the term indicated below:

<b><u>Appoint</u></b>	<b><u>Seat</u></b>	<b><u>Requirement</u></b>	<b><u>Term</u></b>	<b><u>Nominated By</u></b>
Doug Wise	2	Building Official	5/19/09 – 5/18/2012	BOAPBC

**SUMMARY:** The Building Code Advisory Board was established by a Special Act of the Florida Legislature in 1974, and amended in 2001. The term of office for board members is three (3) years; with no limit to the number of terms a member may serve. Doug Wise is nominated by the Building Officials Association of Palm Beach County, for a three (3) year term until May 18, 2012. The Board is composed of 16 members; seven (7) regional Building Officials who must be appointed from nominees submitted by the Building Officials Association of Palm Beach County; seven (7) members who must be appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; one (1) member who must be a registered Architect appointed from nominees submitted by the Palm Beach County Chapter of the American Institute of Architects; and one (1) member who must be a Professional Engineer appointed from nominees submitted by the Palm Beach County Chapter of the Florida Engineering Society. Countywide (GB)

6. BOARD APPOINTMENTS

D. PUBLIC SAFETY  
(Emergency Medical Services Advisory Council)

1. Staff recommends motion to approve: the selection and appointment of one (1) At-Large member to the Emergency Medical Services Advisory Council for the term of May 19, 2009, through May 18, 2011:

<u>Nominee</u>	<u>Representing</u>	<u>Nominated by:</u>
Robert Hill Or	Bethesda Hospital CEO	Comm. Koons
Robert Kreiger Or	Delray Beach Medical Center CEO	Comm. Aaronson
Gina Melby Or	JFK Medical Center CEO	Comm. Vana
Mark Nosacka	Good Samaritan Medical Center CEO	Self

**SUMMARY:** A memo was sent to all Board members on April 1, 2009 seeking nomination approvals for Seat No. 18. No other appointments were received from the Board. Due to a recently approved additional seat to the EMS Advisory Council, one (1) At Large seat is currently open. The above nominees are seeking appointment and desire to serve a two (2) year term which will begin May 19, 2009, through May 18, 2011. The EMS Council consists of 18 members who include 11 members that represent the various components of the EMS system with specific requirements and seven (7) members that are Commission District Consumer appointments. All nominees reside in Palm Beach County. Countywide (DW)

E. COMMISSION DISTRICT APPOINTMENTS

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**MAY 19, 2009**

**7. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**MAY 19, 2009**

**8. COMMISSIONER COMMENTS**

**A. District 1 - COMMISSIONER KAREN T. MARCUS**

**B. District 2 - COMMISSIONER JEFF KOONS, CHAIRMAN**

**C. District 3 - COMMISSIONER SHELLEY VANA**

**D. District 4 – COMMISSIONER STEVEN L. ABRAMS**

**E. District 5 - COMMISSIONER BURT AARONSON, VICE CHAIRMAN**

**F. District 6 - COMMISSIONER JESS R. SANTAMARIA**

**G. District 7 - COMMISSIONER**

**9. ADJOURNMENT**

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA

ADDITIONS, DELETIONS, & SUBSTITUTIONS

MAY 19, 2009

<u>PAGE</u>	<u>ITEM</u>	
11	3E-4	<b><u>REVISED TITLE:</u></b> Staff recommends motion to approve: <b>A)</b> Amendment No. 3 to the Contract with the Center for Family Services of Palm Beach County (R2008-2115 R2007-1928) increasing funding for the Traveler's Aid Program by \$40,000 for a new not-to-exceed total amount of \$54,475, <u>for a new contract total not to exceed \$843,377;</u> and revising the definition of unit cost; and..(Community Services)
28	3AA-2	<b><u>DELETED:</u></b> Staff recommends motion to approve: Agreement with the Village of Wellington to support the development of a Park-and-Ride lot. (Palm Tran) (Village posted item until May 26, 2009)
29	3DD-1	<b><u>DELETED:</u></b> Staff recommends motion to adopt: a Resolution authorizing the expenditure of \$150,000 in tourist development tax revenues from the Special Projects Fund for Super Bowl 2010 South Florida Super Bowl Host Committee XLIV expenses. (TDC) (Moved to June 2, 2009)
31	5A-1	<b><u>DELETED:</u></b> Staff recommends motion to: <b>A) adopt</b> a Resolution to support CSL Plasma, Inc. for Florida's Qualified Target Industry (QTI) Tax Refund Program;....(Admin/Economic Dev) (Further staff review)
31	5A-2	<b><u>REVISED TITLE &amp; SUMMARY:</u></b> Staff requests Board direction: regarding a Resolution in support of universal health insurance coverage, <del>which will urge and request urging</del> the United States Congress to enact, <del>and the President of the United States to sign</del> legislation <u>that is substantially similar to such as H.R. 676 (Conyers, M-14) or other legislation that is meaningful and actuarially sound, known as the "United States National Health Care Act"</u> , without imposing additional mandates on county governments. <b>SUMMARY:</b> <del>Due to the rising costs of providing health insurance to County employees and retirees, and its associated burden on local government budgets, the Board directed staff to return with a draft Resolution for discussion in support of H.R. 676, also known as the United States National Health Care Act, which</del> <u>At the April 7, 2009 Board of County Commission meeting, Commissioner Shelley Vana requested Board discussion regarding support of H.R. 676, or similar legislation due to the rising costs of health insurance. H.R. 676 creates a single-payer universal health care system which would cover all necessary medical care including prescription drugs, hospital, surgical, outpatient services, primary and preventative care, emergency services, dental care, vision care and long-term care.</u> (Admin)
35	5E-1	<b><u>DELETED:</u></b> Staff recommends motion to: <b>A) approve</b> a new portion of the Land Development schedule of user fees to allow charges and establish a schedule of the charges for the review and processing time from the Roadway Production and the Traffic Engineering Divisions to be added to the cost of right-of-way construction permits and services; and...(Engineering) (Further staff review)

**ADD-ON: Staff recommends motion to:**

**A) adopt** a Resolution declaring that significant legal rights will be impaired if Palm Beach County is required to complete intergovernmental conflict resolution procedures with Town of Highland Beach prior to court proceedings;

**B) direct** staff to initiate litigation, as appropriate to resolve the County's conflict with the Town of Highland Beach over the Town's special exception approval for the proposed Cam D. Milani park; and

**C) direct** staff to initiate intergovernmental conflict resolution procedures during the pendency of litigation.

**SUMMARY:** On April 27, 2009, the Town of Highland Beach's Town Commission voted to adopt a resolution granting a special exception approval for the County's proposed Cam D. Milani park. Five (5) of the 43 Conditions of Approval contained within the special exception approval, Conditions No. 5, 6, 10, 14, and 43, violate the essential requirements of law, constitute unlawful delegations of authority, are unconstitutionally vague, are not supported by record evidence, and are arbitrary and capricious. Condition 5 requires the County to install a fence on the beach to the mean high water line, even though the State of Florida has a policy to discourage encumbrances on the beach due to adverse effects on sea turtles. Condition 6 provides the Town with unbridled veto power over the County's choice of archaeological consultant, even though the County has to pay for a separate Town archaeological consultant as part of the permit review requirements. Condition 10 requires the County to apply for historic designation from the National Register of Historic Places within one (1) year of the adoption of the Resolution, rather than at the completion of the park, which causes the County additional expense with no benefit to the Town. Condition 14 requires the County to enter into a Memorandum of Agreement with the State Historic Preservation Officer (SHPO) and various Indian tribes, even though the SHPO has said the MOA is unnecessary and the Indian tribes have been unresponsive during the application process. Condition 43 makes a material change to the site plan by replacing a decorative fence with a wall, causing internal inconsistency within the Conditions of Approval. Staff proposes that the Board of County Commissioners adopt a resolution that will declare that significant legal rights will be impaired if Palm Beach County is required to complete intergovernmental conflict resolution procedures with the Town of Highland Beach arising from the conditions of approval prior to court proceedings, will authorize litigation, and will authorize the commencement of intergovernmental conflict resolution procedures during the pendency of litigation. District 4 (ATP) (County Attorney)

**ADD-ON:** Proclamation declaring May 10 – 16, 2009 as "Water Reuse Week" in Palm Beach County. (Sponsored by Commissioner Koons)

**NOTE:** Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (\*).